United Nations A/C.3/70/L.37

General Assembly

Distr.: Limited
30 October 2015

Original: English

**Seventieth session**
**Third Committee**
Agenda item 72 (b)
**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Cuba:* draft resolution**

## The right to development

*The General Assembly*,

*Guided* by the Charter of the United Nations, which expresses, in particular, the determination to promote social progress and better standards of life in larger freedom and, to that end, to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

*Recalling* the Universal Declaration of Human Rights,[1] as well as the International Covenant on Civil and Political Rights[2] and the International Covenant on Economic, Social and Cultural Rights,[2]

*Recalling also* the outcomes of all the major United Nations conferences and summits in the economic and social fields,

*Recalling further* the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, which confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals who make up nations, and that the individual is the central subject and beneficiary of development,

*Stressing* the importance of the World Conference on Human Rights, held in Vienna in 1993, and that the Vienna Declaration and Programme of Action[3] reaffirmed the right to development as a universal and inalienable right and an

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] A/CONF.157/24 (Part I), chap. III.



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integral part of fundamental human rights and the individual as the central subject and beneficiary of development,

*Reaffirming* the objective of making the right to development a reality for everyone, as set out in the United Nations Millennium Declaration,[4] adopted by the General Assembly on 8 September 2000,

*Deeply concerned* that the majority of indigenous peoples in the world live in conditions of poverty, and recognizing the critical need to address the negative impact of poverty and inequity on indigenous peoples by ensuring their full and effective inclusion in development and poverty eradication programmes,

*Recalling* the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, and its outcome document,[5]

*Reaffirming* the universality, indivisibility, interrelatedness, interdependence and mutually reinforcing nature of all civil, cultural, economic, political and social rights, including the right to development,

*Expressing deep concern* over the lack of substantial progress in the trade negotiations of the World Trade Organization, and reaffirming the need for a successful outcome of the Doha Development Round in key areas such as agriculture, market access for non-agricultural products, trade facilitation, development and services,

*Recalling* the outcome of the twelfth session of the United Nations Conference on Trade and Development, held in Accra from 20 to 25 April 2008, on the theme "Addressing the opportunities and challenges of globalization for development",[6]

*Recalling also* all its previous resolutions, Human Rights Council resolutions and those of the Commission on Human Rights on the right to development, in particular Commission resolution 1998/72 of 22 April 1998[7] on the urgent need to make further progress towards the realization of the right to development,

*Recalling further* the outcome of the eleventh session of the Working Group on the Right to Development of the Human Rights Council, held in Geneva from 26 to 30 April 2010, as contained in the report of the Working Group[8] and as referred to in the report of the Secretary-General and the United Nations High Commissioner for Human Rights,[9]

*Recalling* the Sixteenth Conference of Heads of State or Government of Non-Aligned Countries, held in Tehran from 26 to 31 August 2012, and the previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority,

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[4] Resolution 55/2.

[5] Resolution 69/2.

[6] See TD/442 and Corr.1 and 2.

[7] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[8] A/HRC/15/23.

[9] A/HRC/15/24.

*Reiterating its continuing support* for the New Partnership for Africa's Development[10] as a development framework for Africa,

*Expressing its appreciation* for the efforts of the Chair-Rapporteur of the Working Group on the Right to Development of the Human Rights Council and the members of the high-level task force on the implementation of the right to development in completing the 2008-2010 three-phase road map established by the Council in its resolution 4/4 of 30 March 2007,[11]

*Deeply concerned* about the negative impacts of the global economic and financial crises on the realization of the right to development,

*Recognizing* that, while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights,

*Recognizing also* that Member States should cooperate with one another in ensuring development and eliminating obstacles to development, that the international community should promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

*Recognizing further* that poverty is an affront to human dignity,

*Recognizing* that extreme poverty and hunger are among the greatest global threats and require the collective commitment of the international community for their eradication, pursuant to Millennium Development Goal 1 and Sustainable Development Goals 1 and 2, and therefore calling upon the international community, including the Human Rights Council, to contribute towards achieving that goal,

*Recognizing also* that historical injustices, inter alia, have contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparity, instability and insecurity that affect many people in different parts of the world, in particular in developing countries,

*Stressing* that poverty eradication is one of the critical elements in the promotion and realization of the right to development and that poverty is a multifaceted problem that requires a multifaceted and integrated approach in addressing economic, political, social, environmental and institutional dimensions at all levels, especially in the context of the Millennium Development Goal of halving, by 2015, the proportion of the world's people whose income is less than 1 United States dollar a day and the proportion of people who suffer from hunger,

*Emphasizing* that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated,

*Emphasizing also* that the right to development should be central to the implementation of the 2030 Agenda for Sustainable Development,[12]

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[10] A/57/304, annex.

[11] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. III, sect. A.

[12] Resolution 70/1.

*Welcoming* the adoption of the 2030 Agenda for Sustainable Development, reaffirming that the Declaration on the Right to Development informed the 2030 Agenda, along with other relevant international instruments, and underlining that the Sustainable Development Goals can be realized only through a credible, effective and universal commitment to the means of implementation by all stakeholders,

*Stressing* that the thirtieth anniversary of the Declaration on the Right to Development presents a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile that it deserves, and redoubling its efforts to implement this right,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights[13] concerning the promotion and realization of the right to development;

2. *Recognizes* the significance of all the events held to commemorate the twenty-fifth anniversary of the Declaration on the Right to Development,[14] including the panel discussion on the theme "The way forward in the realization of the right to development: between policy and practice", held during the eighteenth session of the Human Rights Council;

3. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

4. *Supports* the realization of the mandate of the Working Group on the Right to Development, as renewed by the Human Rights Council in its resolution 9/3 of 24 September 2008,[15] and recognizes the need for renewed efforts towards intensifying deliberations in the Working Group to fulfil, at the earliest, its mandate, while welcoming the commencement of the second reading of the draft criteria and corresponding operational subcriteria;

5. *Reaffirms* the recommendations adopted by the Working Group at its fourteenth session,[16] and calls for their immediate, full and effective implementation by the Office of the United Nations High Commissioner for Human Rights and other relevant actors, noting also the efforts under way within the framework of the Working Group with a view to completing the tasks entrusted to it by the Council in its resolution 4/4;[11]

6. *Emphasizes* the relevant provisions of General Assembly resolution 60/251 of 15 March 2006 establishing the Human Rights Council, and in this regard calls upon the Council to implement the agreement to continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the Millennium Development Goals, and also in this regard to lead the raising of the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration

[13] A/HRC/30/22.

[14] Resolution 41/128, annex.

[15] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53A* (A/63/53/Add.1), chap. I.

[16] A/HRC/24/37.

and Programme of Action,[3] to the same level as and on a par with all other human rights and fundamental freedoms;

7. *Stresses* that the views, criteria and corresponding operational subcriteria, once considered, revised and endorsed by the Working Group, should be used, as appropriate, in the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development;

8. *Emphasizes* the importance of the Working Group taking appropriate steps to ensure respect for and practical application of the above-mentioned standards, which could take various forms, including the elaboration of guidelines on the implementation of the right to development, and evolve into a basis for the consideration of an international legal standard of a binding nature through a collaborative process of engagement, with a view to elaborating an international convention on the right to development;

9. *Recalls* the request made to the Working Group to consider at its seventeenth session a document, to be produced by its Chair-Rapporteur, containing a set of standards to implement the right to development based on relevant United Nations resolutions and documents, including the Declaration on the Right to Development, relevant international conventions and decisions as well as internationally agreed development goals and United Nations resolutions, in consultation with Member States, relevant international organizations and other stakeholders;

10. *Also recalls* that the above-mentioned document would be prepared without prejudice to the ongoing discussions on the criteria and operational subcriteria, in the context of which the Working Group shall complete its second reading at its seventeenth session and decide on further action thereafter, with the objective of elaborating a comprehensive and coherent set of standards for the implementation of the right to development;

11. *Stresses* the importance of the core principles contained in the conclusions of the Working Group at its third session,[17] congruent with the purpose of international human rights instruments, such as equality, non-discrimination, accountability, participation and international cooperation, as critical to mainstreaming the right to development at the national and international levels, and underlines the importance of the principles of equity and transparency;

12. *Also stresses* that it is important that the Chair-Rapporteur and the Working Group, in the discharge of their mandates, take into account the need:

(a) To promote the democratization of the system of international governance in order to increase the effective participation of developing countries in international decision-making;

(b) To also promote effective partnerships such as the New Partnership for Africa's Development[10] and other similar initiatives with the developing countries, particularly the least developed countries, for the purpose of the realization of their right to development, including the achievement of the Millennium Development Goals;

[17] See E/CN.4/2002/28/Rev.1, sect. VIII A.

(c) To strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms, and also while urging all States to expand and deepen mutually beneficial cooperation in ensuring development and eliminating obstacles to development in the context of promoting effective international cooperation for the realization of the right to development, bearing in mind that lasting progress towards the implementation of the right to development requires effective development policies at the national level and a favourable economic environment at the international level;

(d) To consider ways and means to continue to ensure the operationalization of the right to development as a priority;

(e) To mainstream the right to development in the policies and operational activities of the United Nations and the specialized agencies, funds and programmes, as well as in the policies and strategies of the international financial and multilateral trading systems, bearing in mind in this regard that the core principles of the international economic, commercial and financial spheres, such as equity, non-discrimination, transparency, accountability, participation and international cooperation, including effective partnerships for development, are indispensable in achieving the right to development and preventing discriminatory treatment arising from political or other non-economic considerations in addressing the issues of concern to the developing countries;

13. *Encourages* the Human Rights Council to continue to consider how to ensure follow-up to the work of the former Subcommission on the Promotion and Protection of Human Rights on the right to development, in accordance with the relevant provisions of the resolutions adopted by the General Assembly and the Commission on Human Rights and in compliance with decisions to be taken by the Council;

14. *Reaffirms* the commitment to implement the goals and targets set out in all the outcome documents of the major United Nations conferences and summits and their review processes, in particular those relating to the realization of the right to development, recognizing that the realization of the right to development is critical to achieving the objectives, goals and targets set in those outcome documents;

15. *Also reaffirms* that the realization of the right to development is essential to the implementation of the Vienna Declaration and Programme of Action, which regards all human rights as universal, indivisible, interdependent and interrelated, places the human person at the centre of development and recognizes that, while development facilitates the enjoyment of all human rights, lack of development may not be invoked to justify the abridgement of internationally recognized human rights;

16. *Stresses* that the primary responsibility for the promotion and protection of all human rights lies with the State, and reaffirms that States have the primary responsibility for their own economic and social development and that the role of national policies and development strategies cannot be overemphasized;

17. *Reaffirms* the primary responsibility of States to create national and international conditions favourable to the realization of the right to development, as well as their commitment to cooperate with one another to that end;

18. *Underlines* the need for transnational corporations and other business enterprises to be held accountable in international human rights and humanitarian law for human rights violations, and to this end recognizes that these entities, as the owners of the global wealth and key drivers of globalization, must contribute to the means of implementation for the realization of the right to development and for ending global poverty;

19. *Reaffirms* the need for an international environment that is conducive to the realization of the right to development;

20. *Stresses* the need to strive for greater acceptance, operationalization and realization of the right to development at the international and national levels, and calls upon all States to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

21. *Emphasizes* the critical importance of identifying and analysing obstacles impeding the full realization of the right to development at both the national and international levels;

22. *Affirms* that, while globalization offers both opportunities and challenges, the process of globalization remains deficient in achieving the objectives of integrating all countries into a globalized world, stresses the need for policies and measures at the national and global levels to respond to the challenges and opportunities of globalization if this process is to be made fully inclusive and equitable, recognizes that globalization has brought disparities in the equitable sharing of its benefits, emphasizes that issues such as trade and trade liberalization, transfer of technology, infrastructure development and market access require to be managed effectively in order to mitigate the challenges of poverty and underdevelopment, to realize the unfinished Millennium Development Goals and to make the right to development and the 2030 Agenda for Sustainable Development [12] a reality for everyone;

23. *Recognizes* that, despite continuous efforts on the part of the international community, the gap between developed and developing countries remains unacceptably wide, that most of the developing countries continue to face difficulties in participating in the globalization process and that many risk being marginalized and effectively excluded from its benefits;

24. *Expresses its deep concern*, in this regard, about the negative impact on the realization of the right to development due to the further aggravation of the economic and social situation, in particular of developing countries, as a result of the ongoing international energy, food and financial crises, as well as the increasing challenges posed by global climate change and the loss of biodiversity, which have increased vulnerabilities and inequalities and have adversely affected development gains, in particular in developing countries;

25. *Recalls* the commitment in the United Nations Millennium Declaration [4] to halving the number of people living in poverty by 2015 and the principle of international cooperation, including partnership and commitment, between developed and developing countries towards achieving the goal;

26. *Notes with concern* that some developing countries have failed to achieve the Millennium Development Goals, and in this regard invites Member States and

the international community to take proactive measures aimed at creating a conducive environment to contribute to the effective implementation of the 2030 Agenda for Sustainable Development;

27. *Urges* developed countries that have not yet done so to make concrete efforts towards meeting the targets of 0.7 per cent of their gross national product for official development assistance to developing countries and 0.15 to 0.2 per cent of their gross national product to least developed countries, and encourages developing countries to build on the progress achieved in ensuring that official development assistance is used effectively to help to meet development goals and targets;

28. *Recognizes* the need to address market access for developing countries, including in the sectors of agriculture, services and non-agricultural products, in particular those of interest to developing countries;

29. *Calls once again for* the implementation of a desirable pace of meaningful trade liberalization, including in areas under negotiation in the World Trade Organization, the implementation of commitments on implementation-related issues and concerns, a review of special and differential treatment provisions, with a view to strengthening them and making them more precise, effective and operational, the avoidance of new forms of protectionism and capacity-building and technical assistance for developing countries as important issues in making progress towards the effective implementation of the right to development;

30. *Recognizes* the important link between the international economic, commercial and financial spheres and the realization of the right to development, stresses in this regard the need for good governance and for broadening the base of decision-making at the international level on issues of development concern and the need to fill organizational gaps, as well as to strengthen the United Nations system and other multilateral institutions, and also stresses the need to broaden and strengthen the participation of developing countries and countries with economies in transition in international economic decision-making and norm-setting;

31. *Also recognizes* that good governance and the rule of law at the national level assist all States in the promotion and protection of human rights, including the right to development, and agrees on the value of the ongoing efforts being made by States to identify and strengthen good governance practices, including transparent, responsible, accountable and participatory government, that are responsive and appropriate to their needs and aspirations, including in the context of agreed partnership approaches to development, capacity-building and technical assistance;

32. *Further recognizes* the important role and the rights of women and the application of a gender perspective as a cross-cutting issue in the process of realizing the right to development, and notes in particular the positive relationship between the education of women and their equal participation in the civil, cultural, economic, political and social activities of the community and the promotion of the right to development;

33. *Stresses* the need for the integration of the rights of children, girls and boys alike, in all policies and programmes and for ensuring the promotion and protection of those rights, especially in areas relating to health, education and the full development of their capacities;

34. *Recalls* the Political Declaration on HIV and AIDS: Intensifying Our Efforts to Eliminate HIV and AIDS,[18] adopted on 10 June 2011 at the high-level meeting of the General Assembly on HIV and AIDS, stresses that further and additional measures must be taken at the national and international levels to fight HIV and AIDS and other communicable diseases, taking into account ongoing efforts and programmes, and reiterates the need for international assistance in this regard;

35. *Welcomes* the political declaration of the high-level meeting of the General Assembly on the prevention and control of non-communicable diseases,[19] adopted on 19 September 2011, with its particular focus on development and other challenges and social and economic impacts, particularly for developing countries;

36. *Recalls* the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want";[20]

37. *Also recalls* the Convention on the Rights of Persons with Disabilities,[21] which entered into force on 3 May 2008, and stresses the need to take into consideration the rights of persons with disabilities and the importance of international cooperation in support of national efforts in the realization of the right to development;

38. *Stresses its commitment* to indigenous peoples in the process of the realization of the right to development, reaffirms the commitment to promote their rights in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security, in accordance with recognized international human rights obligations and taking into account, as appropriate, the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007, and in this regard recalls the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held in 2014;

39. *Recognizes* the need for strong partnerships with civil society organizations and the private sector in pursuit of poverty eradication and development, as well as for corporate social responsibility;

40. *Emphasizes* the urgent need to take concrete and effective measures to prevent, combat and criminalize all forms of corruption at all levels, to prevent, detect and deter in a more effective manner international transfers of illicitly acquired assets and to strengthen international cooperation in asset recovery, consistent with the principles of the United Nations Convention against Corruption,[22] particularly chapter V thereof, stresses the importance of a genuine political commitment on the part of all Governments through a firm legal framework, and in this context urges States to sign and ratify the Convention as soon as possible and States parties to implement it effectively;

41. *Also emphasizes* the need to strengthen further the activities of the Office of the United Nations High Commissioner for Human Rights in the promotion and realization of the right to development, including by ensuring the effective use of

[18] Resolution 65/277, annex.
[19] Resolution 66/2, annex.
[20] Resolution 66/288, annex.
[21] United Nations, *Treaty Series*, vol. 2515, No. 44910.
[22] Ibid., vol. 2349, No. 42146.

the financial and human resources necessary to fulfil its mandate, and calls upon the Secretary-General to provide the Office with the necessary resources;

42. *Reaffirms* the request to the High Commissioner, in mainstreaming the right to development, to effectively undertake activities aimed at strengthening the global partnership for development among Member States, development agencies and the international development, financial and trade institutions and to reflect those activities in detail in his next report to the Human Rights Council;

43. *Calls upon* the United Nations funds and programmes, as well as the specialized agencies, to mainstream the right to development in their operational programmes and objectives, and stresses the need for the international financial and multilateral trading systems to mainstream the right to development in their policies and objectives;

44. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs and bodies, the specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations;

45. *Supports* the decision of the Human Rights Council, as part of the activities to commemorate the thirtieth anniversary of the Declaration on the Right to Development, to request the High Commissioner to seek the views of Member States in preparing a paper on the realization and implementation of the right to development, as elaborated in the Declaration, in particular its article 4;

46. *Decides* to hold a high-level segment on the right to development during the general debate at its seventy-first session;

47. *Encourages* Member States, individually and collectively, to convene events with their own resources for the commemoration of the thirtieth anniversary of the Declaration on the Right to Development;

48. *Also encourages* Member States to give particular consideration to the right to development in the implementation of the 2030 Agenda for Sustainable Development;

49. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations funds and programmes and the specialized agencies, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda for Sustainable Development, to contribute further to the work of the Working Group and to cooperate with the High Commissioner in the fulfilment of his mandate with regard to the implementation of the right to development;

50. *Requests* the Secretary-General to submit a report to the General Assembly at its seventy-first session and an interim report to the Human Rights Council on the implementation of the present resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development, and invites the Chair-Rapporteur of the Working Group to present an oral report and to engage in an interactive dialogue with the Assembly at its seventy-first session.